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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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This document relates to:

ALL ACTIONS

MDL CASE NO. 3:10-MD-02143 RS

**STIPULATION AND [PROPOSED] ORDER
REGARDING ADMINISTRATIVE
MOTIONS TO SEAL MATERIALS FILED
IN CONNECTION WITH SUMMARY
JUDGMENT AND DAUBERT MOTIONS**

DATE ACTION FILED: Oct. 27, 2009

1 WHEREAS, the Court has set a briefing schedule for the parties' dispositive motions
2 ("Summary Judgment Motions"), and the parties' Daubert Motions (Dkt. 2211);

3 WHEREAS, consistent with this Court's previous direction to the parties in connection
4 with administrative motions to seal (*see* Dkts. 1021, 1625), the parties wish to avoid burdening the
5 Court with *seriatim* sealing motions, declarations, and proposed orders that are likely to be filed by
6 the parties and various non-parties in connection with (1) Summary Judgment Motions, including
7 any supporting declarations, exhibits, expert reports, and/or other evidentiary materials
8 (collectively, "Supporting Materials"); (2) Opposition briefs to Summary Judgment Motions,
9 including any Supporting Materials; (3) Reply briefs in support of Summary Judgment Motions,
10 including any Supporting Materials; (4) Daubert Motions, including any Supporting Materials
11 ("Daubert Motions"); (5) opposition briefs to Daubert Motions, including any Supporting
12 Materials; and (6) reply briefs in support of Daubert Motions, including any Supporting Materials
13 (collectively "The Motions");

14 WHEREAS, in order to provide sufficient time for the parties and non-parties to identify
15 sealable materials in connection with The Motions, all parties other than the Indirect Purchaser
16 Plaintiffs ("IPPs") have agreed to the procedure and schedule set forth below in Paragraphs 1-4,
17 and the IPPs have agreed to the procedure and schedule set forth below in Paragraph 5(a)-(f) with
18 respect to The Motions filed in the IPP action;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned
20 counsel for the parties, subject to Court approval, that:

21 Procedure With Respect to All Actions (Other than the IPP Action):

22 1. The party submitting materials in connection with The Motions (the "Filing Party")
23 shall file under seal any document that contains or refers to information designated by a party (the
24 "Designating Party") or non-party (the "Designating Non-Party") under any of the applicable
25 protective orders entered in this action (Dkts. 923, 629, 1605).

26 2. Within three (3) business days after filing, the Filing Party must provide notice to
27 any Designating Non-Party whose materials have been filed under seal pursuant to this Order.

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1 3. Any Designating Party or Designating Non-Party that seeks to permanently seal
2 information filed in connection with The Motions shall file an administrative motion to seal, a
3 single declaration and proposed order in accordance with Local Civil Rule 79-5 no later than
4 September 19, 2017, which is one week prior to the hearing on dispositive motions, addressing all
5 of its sealing requests related to The Motions.

6 4. Upon resolution of all such proposed orders, any Filing Party that believes revised
7 redactions may be necessary for the public version of any document previously filed may re-file
8 such document with the sealed portions revised consistent with this Court's rulings.

9 Procedure With Respect to the IPP Action:

10 5. With respect to the briefing of The Motions to be filed in connection with the IPP
11 action only (including initial motions, all oppositions, all replies, and all Supporting Materials), the
12 following procedure and schedule will apply:

13 a. When a Filing Party seeks to file a document that contains or refers to
14 information designated under any of the applicable protective orders entered in this action (Dkts.
15 923, 629, 1605), it shall file such document under seal and must include a Notice of Intention to
16 Seal Documents (a "Notice").

17 b. In the event the Filing Party intends to file material designated by a
18 Designating Non-Party, the Filing Party must, within three (3) business days of filing a Notice,
19 also provide the Designating Non-Party with the same materials it is required to provide to the
20 parties to this action, with the exception that no material filed under seal by a Designating Party
21 shall be disclosed to a Designating Non-Party.

22 c. Within ten (10) business days of the filing of a Notice, any Designating
23 Party and/or Designating Non-Party shall inform the Filing Party whether sealing of any material
24 is required and provide proposed line-item redactions of materials and exhibits to the Filing Party.

25 d. Within fourteen (14) business days of the filing of a Notice, the Filing Party
26 shall file (i) a sealed courtesy copy of the filing that highlights or otherwise specifies any material
27 requested to be sealed by a Designating Party or Designating Non-Party in accordance with Civil
28 Local Rule 79-5(d)(2), and (ii) a public version encompassing the requested redactions.

1 e. Any Designating Party or Designating Non-Party that seeks to permanently
2 seal information shall file an administrative motion to seal, a single declaration and proposed order
3 in accordance with Local Civil Rule 79-5 no later than September 19, 2017, which is one week
4 prior to the hearing on dispositive motions, addressing all of its sealing requests. The
5 administrative motion to seal, declaration, and proposed order may be consolidated with the
6 administrative motion to seal, declaration, and proposed order referenced in Paragraph 3 above.

7 f. Upon resolution of all such proposed orders, any Filing Party that believes
8 revised redactions may be necessary for the public version of any document previously filed may
9 re-file such document with the sealed portions revised consistent with this Court's rulings.

10 IT IS SO STIPULATED.

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12 Dated: June 22, 2017

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26 STIPULATION AND [PROPOSED] ORDER
RE ADMIN. MOTIONS TO SEAL
Case No. 3:10-md-2143 RS

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IT IS SO ORDERED.

DATED: 6/28/17


HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE